



House of Representatives

General Assembly

File No. 339

February Session, 2002

Substitute House Bill No. 5700

House of Representatives, April 4, 2002

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ELECTION DAY REGISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2003, and applicable to elections*
2 *held after January 1, 2003*) (a) As used in this section, "election day"
3 means the day on which a regular election, as defined in section 9-1 of
4 the general statutes, is held.

5 (b) Notwithstanding the provisions of chapter 143 of the general
6 statutes, a person who (1) is not an elector and does not have a
7 pending application for admission as elector under said chapter 143,
8 and (2) meets the eligibility requirements under subsection (a) of
9 section 9-12 of the general statutes, may apply for admission as an
10 elector on election day.

11 (c) Any such application shall be made in accordance with the
12 provisions of section 9-20 of the general statutes, provided (1) the

13 applicant shall appear in person at the office of the registrars of voters
14 on election day, (2) an applicant who is a student enrolled at an
15 institution of higher education may submit a current photo
16 identification card issued by said institution in lieu of the identification
17 required by said section 9-20, and (3) the applicant shall declare under
18 oath that the applicant is not, to the applicant's knowledge, already
19 properly admitted as an elector and has not previously voted in the
20 election. If the information that the applicant is required to provide
21 under section 9-20 of the general statutes and this section does not
22 include proof of the applicant's residential address, the applicant shall
23 also submit a United States passport, a military identification card, a
24 learner's permit or a utility bill that has the applicant's name and
25 current address and is due within thirty days after the election or, in
26 the case of a student enrolled at an institution of higher education, a
27 registration or fee statement from such institution that has the
28 applicant's name and current address. If the registrars determine that
29 an applicant is qualified and admit the applicant as an elector, the
30 registrars shall give the applicant a notice of acceptance which
31 indicates the applicant's voting district and polling place. A notice of
32 acceptance shall be on a form designed to prevent forgery or
33 counterfeiting, as prescribed by the Secretary of the State. On and after
34 the date that the Secretary of the State certifies to the General
35 Assembly that the state-wide centralized voter registration system is
36 fully operational, pursuant to section 3 of this act, the registrars shall
37 check said system before admitting an applicant as an elector in order
38 to determine whether the applicant is an elector in another
39 municipality in the state.

40 (d) Not later than seven days after each election day, the registrars
41 of voters shall send a confirmation to the residential address of each
42 applicant who is admitted as an elector on election day under this
43 section. Such confirmation shall be sent by first-class mail with
44 instructions on the envelope that it be returned if not deliverable at the
45 address shown on the envelope. If a confirmation is returned
46 undelivered, the registrars shall refer the matter to the State Elections
47 Enforcement Commission which shall immediately conduct an

48 investigation.

49 Sec. 2. Subsection (a) of section 9-261 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective*
51 *January 1, 2003, and applicable to elections held after January 1, 2003*):

52 (a) In each primary, election or referendum, when an elector has
53 entered the polling place, [he] the elector shall (1) announce [his] the
54 elector's street address, if any, and [his] the elector's name to the
55 checkers in a tone sufficiently loud and clear as to enable all the
56 election officials present to hear the same, and (2) (A) present to the
57 checkers [his] the elector's Social Security card or any other preprinted
58 form of identification which shows [his] the elector's name and either
59 [his] the elector's address, signature or photograph, or (B) sign a
60 statement under penalty of false statement, on a form prescribed by
61 the Secretary of the State, that [he] the elector is the elector whose
62 name appears on the official checklist. Each of the checkers shall check
63 the name of such elector on the official checklist. In the case of an
64 elector who is admitted on election day under section 1 of this act, the
65 elector shall also present to the moderator the notice of acceptance
66 given to the elector under said section 1, and the moderator shall add
67 the elector's name and address to the official checklist on such day and
68 the elector shall be allowed to vote if otherwise eligible to vote.

69 Sec. 3. (NEW) (*Effective January 1, 2003, and applicable to elections held*
70 *after January 1, 2003*) Upon determining that the state-wide centralized
71 voter registration system is fully completed and operational, the
72 Secretary of the State shall certify such completion to the General
73 Assembly.

74 Sec. 4. Section 9-158a of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective January 1, 2003, and*
76 *applicable to elections held after January 1, 2003*):

77 As used in sections 9-139c, 9-140b, 9-158a to 9-158m, inclusive, and
78 9-307:

79 (1) "Federal election" means any general or special election or any
80 primary held solely or in part for the purpose of selecting, nominating
81 or electing any candidate for the office of president, vice president,
82 presidential elector, member of the United States Senate or member of
83 the United States House of Representatives;

84 (2) "Former resident" means a person who was a bona fide resident
85 of a town in this state and who has ~~[removed]~~ moved from that town
86 to another state less than thirty days before the day of a presidential
87 election and who for that reason is unable to register to vote in the
88 election in ~~[his]~~ said person's present ~~[town or]~~ state of residence;

89 (3) "Overseas elector" means any person permitted to vote pursuant
90 to subsection (b) of section 9-158b;

91 (4) "Presidential election" means an election at which electors of
92 President and Vice-President are elected;

93 (5) "Resident" means a bona fide resident of a town in this state;

94 (6) "State" includes any of the several states, the District of
95 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin
96 Islands; and

97 (7) "United States" includes the several states, the District of
98 Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin
99 Islands, but does not include American Samoa, The Canal Zone, the
100 trust territory of the Pacific Islands or any other territory or possession
101 of the United States.

102 Sec. 5. Subsection (a) of section 9-158b of the general statutes is
103 repealed and the following is substituted in lieu thereof (*Effective*
104 *January 1, 2003, and applicable to elections held after January 1, 2003*):

105 (a) Each citizen of the United States who is at least eighteen years of
106 age, is a ~~[resident or]~~ former resident and ~~[who]~~ has not forfeited ~~[his]~~
107 said citizen's electoral privileges because of a disfranchising crime,
108 may vote for presidential and vice-presidential electors, but for no

109 other offices, in the town in this state in which [he resides, or] said
110 citizen formerly resided in the manner provided in sections 9-158c to 9-
111 158m, inclusive, as amended by this act.

112 Sec. 6. Subsection (a) of section 9-158c of the general statutes is
113 repealed and the following is substituted in lieu thereof (*Effective*
114 *January 1, 2003, and applicable to elections held after January 1, 2003*):

115 (a) Not earlier than forty-five days before the election and not later
116 than the close of the polls on election day, each [resident, or] former
117 resident who desires to vote in a presidential election under sections 9-
118 158a to 9-158m, inclusive, as amended by this act, may apply for a
119 "presidential ballot" to the municipal clerk of the town in which [he]
120 said former resident is qualified to vote on the form prescribed in
121 section 9-158d, as amended by this act. Application for a "presidential
122 ballot" may be made in person or absentee, in the manner provided for
123 applying for an absentee ballot under section 9-140, except as provided
124 in said sections 9-158a to 9-158m, inclusive.

125 Sec. 7. Subsection (a) of section 9-158d of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective*
127 *January 1, 2003, and applicable to elections held after January 1, 2003*):

128 (a) The application for a presidential ballot shall be a form signed in
129 duplicate by the applicant under penalty of false statement in absentee
130 balloting, which shall provide substantially as follows:

131 To the Town Clerk of the Town of Connecticut

132 I, the undersigned, declare under penalty of false statement in
133 absentee balloting that the following statements are true:

134 1. I am a citizen of the United States.

135 2. I have not forfeited my electoral privileges because of conviction
136 of a disfranchising crime.

137 3. I was born on, and on the day of the next presidential election,

138 I shall be at least 18 years of age. [Check and complete 4 or 5,
139 whichever applies:

140 4. RESIDENT. I am a bona fide resident of the above town, to which
141 I am making this application, and I reside at Street. I moved to said
142 town on the day of ..., 20... Before becoming a resident of said town,
143 I resided at Street, in the Town of County of ..., State of]

144 [5.] 4. FORMER RESIDENT. I am a former resident of the above
145 town, to which I am making this application, and resided at Street
146 therein. I moved from such town to my present town of residence on
147 the day of ..., 20.., being within thirty days before the date of the
148 next presidential election, and for that reason I cannot register to vote
149 in said presidential election in my present town of residence. I am now
150 a bona fide resident of the Town of ..., in the state of ..., now residing
151 at Street therein.

152 [6.] 5. I hereby apply for a "presidential ballot" for the election to be
153 held on ..., 20... I have not voted and will not vote otherwise than by
154 this ballot at that election. I am not eligible to vote for electors of
155 President and Vice-President [in any other town in Connecticut or] in
156 any other state.

157 [7.] 6. The said ballot is to be given to me personally mailed to me at
158 (bona fide mailing address)

159 Dated at ..., this day of 20...

160 (Signature of applicant)

161 Sec. 8. Subsection (a) of section 9-158e of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective*
163 *January 1, 2003, and applicable to elections held after January 1, 2003*):

164 (a) Upon receipt of an application for a presidential ballot under
165 sections 9-158a to 9-158m, inclusive, as amended by this act, the clerk,
166 if satisfied that the application is proper and that the applicant is

167 qualified to vote under said sections, shall forthwith give or mail to the
168 applicant, as the case may be, a ballot for presidential and vice-
169 presidential electors for use at the election and instructions and
170 envelopes for its return. At such time the clerks shall also mail a
171 duplicate of the application to the appropriate official of [(1) the state
172 or the town in this state in which the applicant last resided in the case
173 of an applicant who is a resident, or (2)] the state [or the town in this
174 state] in which the applicant now resides. [in the case of an applicant
175 who is a former resident.]

176 Sec. 9. Section 9-158j of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective January 1, 2003, and*
178 *applicable to elections held after January 1, 2003*):

179 Upon receipt of an application for a "Presidential Ballot" or
180 "Overseas Ballot" the town clerk shall forthwith notify the registrars of
181 voters of the applicant's name, with a notation designating [him] the
182 applicant as a person voting for presidential and vice-presidential
183 electors or federal offices only. If the name of a presidential voter [who
184 is a former resident] appears on the registry list, the registrars shall
185 insert the letters "pf" in the margin preceding [his] the voter's name.
186 The registrars shall prepare a list of names and addresses of
187 presidential voters and overseas electors whose names do not appear
188 on the registry list, for each voting district, which list shall accompany
189 the check list to be used at such election in such district. The registrars
190 shall insert the letters "pf" in the margin of such list of presidential
191 voters preceding the name of each applicant. [who is a former
192 resident.]

193 Sec. 10. Section 9-158k of the general statutes is repealed and the
194 following is substituted in lieu thereof (*Effective January 1, 2003, and*
195 *applicable to elections held after January 1, 2003*):

196 The municipal clerk shall file each duplicate application or other
197 official information received by [him] such clerk from another state, [or
198 from another town in this state,] indicating that a person who formerly
199 resided [or presently resides] in such town has made application to

200 vote at a presidential election in such other state, [or town,] and shall
 201 maintain an alphabetical index of such information for a period of one
 202 hundred eighty days after the election. The clerk shall compare each
 203 such application or statement of information with applications made
 204 under the provisions of sections 9-158a to 9-158m, inclusive, as
 205 amended by this act, and, after the election, with the names checked
 206 off as having voted on the check list for the election, to ascertain that
 207 any such person has not voted more than once. Whenever the record
 208 indicates that any person has applied for a presidential ballot and
 209 indicated in [his] such person's application that [he] such person is
 210 applying as a former resident, and there is record evidence that such
 211 person has applied in another state [or town] as a new resident, the
 212 applicant's ballot shall not be cast in [his] such person's former town of
 213 residence.

This act shall take effect as follows:	
Section 1	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 2	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 3	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 4	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 5	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 6	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 7	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 8	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 9	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>
Sec. 10	<i>January 1, 2003, and applicable to elections held after January 1, 2003</i>

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
GF - None	Secretary of the State	None	None
GF - Cost	Elect. Enforcement Com.	None	Potential cost \$54,843

Note: GF=General Fund

Municipal Impact:

Effect	Municipalities	FY 03 \$	FY 04 \$
Cost	All Municipalities	See Below	See Below

Explanation

This bill permits people to register to vote on a state or municipal election day. It also restricts the use of the presidential ballot to former Connecticut residents who moved to another state.

Same day registration may result in increased complaints to the State Elections Enforcement Commission (SEEC), which may translate into increased costs to SEEC. If the number of complaints are few, it is anticipated that SEEC can handle these complaints and investigations within the anticipated budgetary resources of the agency. However, if SEEC receives a high volume of complaints, an additional Legal Investigator (AR-25) with a salary of \$54,843, plus associated fringe benefits, may be needed.

It is anticipated that the Office of the Secretary of the State will be able to meet the requirements of the bill within existing budgetary resources.

Permitting people to register to vote on a state or municipal election

day will result in a cost to municipalities. These costs result from increased staff needed in the registrars' offices to receive voter applications, verify the applicant's identity, admit the applicant as an elector, give the applicant an oath, and issue a notice of acceptance to the elector. The extent of the costs municipalities will incur depends on the population of the town and the amount of staff resources needed to accommodate the anticipated number of individuals who seek same day registration.

OLR Bill Analysis

sHB 5700

AN ACT CONCERNING ELECTION DAY REGISTRATION**SUMMARY:**

This bill permits people to register to vote on a state or municipal election day and, if approved, vote. It removes the option to cast a presidential ballot for all but former Connecticut residents who moved after the deadline for registering to vote in their new location.

EFFECTIVE DATE: January 1, 2003

ELECTION DAY REGISTRATION PROCEDURES

The bill permits an eligible person (a U.S. citizen at least 18 years old and a Connecticut resident) with no pending application to go to the registrars of voters' office and apply for admission as an elector. An applicant must present a birth certificate, driver's license, or Social Security card to the admitting official; the bill permits a college student to submit his school photo identification card instead. The applicant must also show proof of his address or submit a U.S. passport, a military identification card, learner's permit, or utility bill due within 30 days that shows his address; a student must show a college registration or fee statement with his name and current address.

The applicant must also take an oath that he is not a voter and has not already voted in the election.

If the registrars approve the application, they give the applicant a notice of acceptance prescribed by the secretary of the state and designed to prevent forgery or counterfeiting. The notice shows the voter's voting district and polling place, and the voter must present it to the polling place moderator. Within seven days, registrars must also send a registration confirmation to the voter's residence by first class mail with instructions to return it if undeliverable. A returned confirmation must be referred to the State Elections Enforcement Commission for investigation.

At the polling place, the moderator adds the person's name and address to the official checklist and allows him to vote.

When the statewide centralized voter registration system is fully operational, registrars must check the system to determine whether the applicant is registered in another town. The bill requires the secretary of the state to notify the General Assembly when the system is ready.

PRESIDENTIAL BALLOT

The bill restricts the use of the presidential ballot (one with the candidates for U.S. president and vice-president and no other offices) to former Connecticut residents who moved to another state. Under current law, a person living in Connecticut who is not registered to vote in the town where he lives can also use the presidential ballot to vote for president and vice-president.

BACKGROUND

Presidential Ballot

The 1965 federal Voting Rights Act, as amended, permits any qualified U.S. citizen who began residing in a state after its voter registration deadline to vote for president and vice-president "in the state or political subdivision in which he resided immediately prior to his removal (42 USCA § 1973aa-1(e))."

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0